

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CAROLYN MOSS,

Plaintiff,

v.

Case No. 2:22-CV-11294

District Judge Denise Page Hood

Magistrate Judge Anthony P. Patti

DTE ENERGY COMPANY,

Defendant.

**STATUS CONFERENCE ORDER AND FINAL EXTENSION OF
SCHEDULING ORDER:
SETTING DEADLINE FOR REMAINING DEPOSITIONS AND
EXTENDING DISCOVERY DEADLINE**

On September 20, 2022, U.S. District Judge Denise Page Hood issued a scheduling order in this matter, which originally set the discovery deadline as January 13, 2023 and the dispositive motion deadline as February 24, 2023. (ECF No. 9.) The parties have since submitted six stipulated orders adjourning the scheduling order dates. (ECF Nos. 14, 31, 33, 34, 35, 37.) Pursuant to the terms of the third stipulated order, the discovery deadline passed on October 23, 2023 (ECF No. 33), and has never been extended. The most recent stipulated order set a dispositive motion deadline as May 10, 2024. (ECF No. 37.) On May 6, 2024, Defendant submitted a motion requesting a status conference. (ECF No. 38.)

Judge Hood referred the motion to me (ECF No. 39), and I granted the motion and set a status conference for June 4, 2023 (ECF No. 40).

Counsel for both parties, along with Plaintiff, appeared by Zoom for the status conference. At the conference, counsel explained that, due to Plaintiff's ongoing health issues, they had been unable to schedule her deposition. Plaintiff's counsel also indicated that she wanted to conduct additional depositions.

Having heard the positions of both parties, the Court will issue **one final extension** to the discovery and dispositive motion deadlines. Specifically, Plaintiff is **DIRECTED** to make herself available for an in-person deposition, to occur at a mutually agreeable time, **no later than July 26, 2024**. Should Plaintiff fail to meet this deadline, she will face appropriate sanctions under Fed. R. Civ. P. 37 and/or involuntary termination for failure to prosecute under Fed. R. Civ. P. 41(b), which may include dismissal of this action with prejudice. Defendant is allowed reasonable written discovery, as necessary, to follow up on issues raised in Plaintiff's deposition. Additionally, Plaintiff is allowed two further virtual depositions, which shall be conducted at a mutually agreeable time no later than **August 2, 2024**. Should Plaintiff desire any follow-up written discovery, counsel must first attempt to reach a stipulation as to scope. If no agreement is reached, Plaintiff must obtain leave of court, upon a showing of good cause, to conduct any additional follow-up written discovery.

IT IS FURTHER ORDERED that the dispositive motion deadline is **EXTENDED** until **September 20, 2024**.

No further extensions will be allowed for discovery or dispositive motions.¹

IT IS SO ORDERED.²

Dated: June 6, 2024



Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

¹ The current deadlines for a Final Pretrial Conference and Jury Trial will likely need to be adjourned, but I will leave those dates for Judge Hood to address, as it impacts her calendar.

² The attention of the parties is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days after being served with a copy of this order within which to file objections for consideration by the district judge under 28 U.S.C. § 636(b)(1).